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HUNTON & WILLIAMS LLP

INTELLECTUAL PROPERTY DEPARTMENT

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EXAMINER

MCCORMICK, GABRIELLE A

ART UNIT

PAPER NUMBER

3629

MAIL DATE

DELIVERY MODE

03/07/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/602,923

Applicant(s)

TIVEY ET AL.

Examiner

GABRIELLE MCCORMICK

Art Unit

3629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 January 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SG/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Status of Claims

1. This action is in reply to the Amendment filed on January 31, 2008.
2. Claims 12 and 27 have been amended.
3. Claims 30 and 31 have been added.
4. Claim 1-31 are currently pending and have been examined.

Previous Claim Objections

5. Claim 27 has been amended to overcome the previous objection. The objection is withdrawn.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 1-6, 8, 12, 13 and 26-30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
8. Claims 1-6, 8 and 26-30 include limitations regarding determining "if" or "whether" the lead is "auto-assignable". Paragraph [0113] of the specification discloses a process whereby the determination of auto-assignability is made and states "the process determines whether the lead is capable of being assigned automatically." The term "automatically" is commonly understood to refer to the differentiation between computer-based processes (i.e., using database processing to automatically match lead criteria/information to recipient criteria, such as skills, availability, workload) and processes that are performed without the aid of computer processing, i.e., by the human mind. Paragraph [0113] also refers to figure 6 which is a flow chart of yes/no decisions with respect to "auto-assignability", thus describing that whether a lead is "auto-assignable" or not, a computer process is still required, rather than the alternative to "auto-assignment" is a manual assignment. The "auto-assignability" determination is rather a set of criteria for matching

leads to the appropriate recipient, based on the lead information and recipient criteria. However, these features are not claimed as such because claims 1-6, 8 and 26-30 only specify the step of determining "if" or "whether" without providing an outcome. As a result, the claims are vague and indefinite because the scope of the claims cannot be ascertained.

9. Claim 12 has been amended to overcome some of the previous rejection; however, the phrase, "the agent score of a particular agent is based on...position rank, based on agent scores, of the particular agent" is unclear. How can a score be based on itself?
10. Claim 13 appears to be improperly dependent from claim 1 due to its references to agent and agent score. For the purposes of examination, it is considered to be dependent from claim 11.
11. Claim 30 is vague and indefinite because the phrase "determining if the lead is auto-assignable is based on the lead" is redundant. Any determining of the lead is inherently based on the lead.

Claim Rejections - 35 USC § 102

12. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

13. Claims 1, 4, 6, 7, 10, 11, 13-17, 26 and 30-31 are rejected under 35 U.S.C. 102(e) as being anticipated by Brodersen et al. (US Pat. No. 6,850,895 hereinafter referred to as "Brodersen").
14. **Claims 1 and 26:** Brodersen teaches a method and system for assigning resources to tasks using assignment rules. (Abstract). Tasks as defined to included "sales leads" (col. 1; lines 56-58). Specifically, Brodersen discloses:

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- *obtaining a lead, the lead including lead information relating to a person interested in effecting a purchase;* (col. 1; lines 56-58: "sales leads" and col. 3; lines 1-2 where the task is received as input)
 - *loading the lead into a lead processing portion;* (col. 3; lines 1-6: inputting the task and searching a database for rules and resources (i.e., an assignee for the task))
 - *determining if the lead is auto-assignable;* (col. 5; lines 21-32: the auto-assignment process is described, thus it is an inherent function of the system that a determination is made that a lead is "auto-assignable". Col. 6; lines 42-45: The system provides for manual assignment of leads. The system also provides for analysis of the lead to assign "child tasks" of a selected task to an employee such that the employee is assigned the account and all sub-accounts. (col. 9; lines 50-53: this discloses a determination of the lead that controls the assignment such that the lead is not "auto-assignable" in the sense that the child tasks would not be assigned to an employee other than the one assigned to the parent task.))
 - *assigning the lead to a sales agent;* (col. 13; lines 3-9)
 - *outputting the lead information over the network environment to a lead distribution portion, so as to be accessible to the sales agent.* (col. 1; lines 52-55: the outputting is inherent in the ability of a sales rep to "effectively respond to potentially revenue-generating opportunities." Col. 8; lines 26: "server" provides the network environment).
15. **Claim 4:** Brodersen discloses a *call center* (Figure 6: "Siebel Call Center" (top left hand corner)) and an *appointment* (col. 6; lines 54-59: "automatically create a calendar activity for the scheduled assignment" (appointment)). Brodersen also discloses the assignment rules are based on availability, which is "based on an employee's calendar and service calendar/work shift" (col. 7; lines 14-19). Thus, assignment is based on appointments.
16. **Note:** The step of "determining if the lead is associated with an appointment set by a lead call center" is a non-functional step in that the assignment of the lead to a sales agent is performed regardless of the determination of an appointment. No functional relationship between the appointment determination and the auto-assignability determination is claimed that allows

patentable weight to be given to the step of "determining if the lead is associated with an appointment..." Thus, this descriptive data will not distinguish the claimed invention from the prior art in terms of patentability, *see In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

17. **Claim 6:** Brodersen discloses a *maximum value* an agent's *lead inventory*. (col. 3; lines 43-45).
18. **Note:** The step of "determining whether a leads inventory of the sales agent has reached a maximum value" is a non-functional step in that the assignment of the lead to a sales agent is performed regardless of the determination of leads inventory. No functional relationship between the leads inventory and the auto-assignability determination is claimed that allows patentable weight to be given to the step of "determining whether a leads inventory ..." Thus, this descriptive data will not distinguish the claimed invention from the prior art in terms of patentability, *see In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).
19. **Claim 7:** Brodersen discloses a *current time period*. (col. 9; lines 36-49: in order to schedule tasks based on durations and standard business hours, *the number of tasks received in a time period* must inherently be determined.) Brodersen also discloses assignment rules based on workload (col. 7; lines 14-16). Workload inherently includes a comprehension of the number of tasks (leads) assigned to an employee in a current time period.
20. **Note:** The step of "determining the number of leads that a particular agent has received in a current time period" is a non-functional step in that the assignment of the lead to a sales agent is performed regardless of the determination of workload. No functional relationship between the workload and the auto-assignability determination is claimed that allows patentable weight to be given to the step of "determining the number of leads ..." Thus, this descriptive data will not distinguish the claimed invention from the prior art in terms of patentability, *see In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).
21. **Claims 10 and 14:** Brodersen discloses looking at a task "on-line". (col. 15; line 41).

22. Claim 11: Brodersen discloses

- *generating an agent score for each agent that is a candidate for assignment of the lead;* (col. 3; lines 15-16)
- *assigning the lead to the agent with the highest agent score, wherein the agent score being based on past performance of a respective agent.* (col. 3; lines 59-60).

23. Claim 13: Brodersen discloses *randomly assigning the lead* between two agents that *have the same agent score*. (col. 3; lines 53-60: the combination of (i) when candidates have scores equal to the minimum score and (iii) choosing a random candidate. This combination discloses two agents having equal scores and the step of random assignment.) Note: Claim 13 is considered to be properly dependent from claim 11, not claim 1 due to the use of agent scores.**24. Claim 15:** Brodersen discloses

- *generating a pool of candidate agents, which are selected from a collection of possible agents, that are eligible to work the lead based on the lead information;* (col. 3; lines 53-56)
- *selecting a selected agent from the pool of candidate agents, the selected agent designated to work on the lead.* (col. 3; lines 58-60).

25. Claims 16 and 17: Brodersen discloses *endorsement* and *territory* information as part of *lead information* and *agent assignment criteria*. (col. 5; lines 62- 67: "Assignments may be exclusive assignments, such as exclusive territories, or exclusive customer sets" (i.e., endorsement). The name of the customer and the designation of exclusive are understood to comprise an "endorsement".)**26. Note:** The "information regarding endorsements associated with the lead and the territory to which the lead is associated" is considered non-functional descriptive data because the information is not functionally related to the steps of claim 1. The assigning of leads would be performed regardless of information associated with the lead. Thus, this descriptive data will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

27. **Claim 30:** Brodersen discloses *determining if the lead is auto-assignable is based on the lead*. (col. 5; lines 21-32: the auto-assignment process is described, thus it is an inherent function of the system that a determination is made that a lead is "auto-assignable". Col. 6; lines 42-45: The system provides for manual assignment of leads. The system also provides for analysis of the lead to assign "child tasks" of a selected task to an employee such that the employee is assigned the account and all sub-accounts. (col. 9; lines 50-53: this discloses a determination of the lead that controls the assignment such that the lead is not "auto-assignable" in the sense that the child tasks would not be assigned to an employee other than the one assigned to the parent task.))
28. **Claim 31:** Brodersen discloses *assigning the lead to a sales agent* (col. 13; lines 3-9) and *outputting the lead information* (col. 1; lines 52-55: the outputting is inherent in the ability of a sales rep to "effectively respond to potentially revenue-generating opportunities." Col. 8; lines 26: "server" provides the network environment).

Claim Rejections - 35 USC § 103

29. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
- A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
30. **Claims 2 and 27** are rejected under 35 U.S.C. 103(a) as being unpatentable over Brodersen et al. (US Pat. No. 6,850,895 hereinafter referred to as "Brodersen") in view of Hollister (US Pub. No. 2003/0229504).
31. **Claims 2 and 27:** Brodersen discloses the method and system of claims 1 and 26. Brodersen does not disclose *determining if the lead is an agent generated lead, the agent generated lead resulting from efforts by the sales agent*.
32. Hollister, however, discloses leads generated by an agent (para. [0023]).

33. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included agent generated leads, as disclosed by Hollister in the system disclosed by Brodersen, for the motivation of providing a method of ensuring that the agent who generated the lead will work the lead (Hollister; para. [0024]).
34. **Note:** The step of "determining if the lead is an agent generated lead, the agent generated lead resulting from efforts by the sales agent" is a non-functional step in that the assignment of the lead to a sales agent is performed regardless of the determination of how the lead was generated. No functional relationship between how the lead was generated and the auto-assignability determination is claimed that allows patentable weight to be given to the step of "determining if the lead is an agent generated lead ...". Thus, this descriptive data will not distinguish the claimed invention from the prior art in terms of patentability, *see In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).
35. **Claims 3 and 18-19** are rejected under 35 U.S.C. 103(a) as being unpatentable over Brodersen et al. (US Pat. No. 6,850,895 hereinafter referred to as "Brodersen") in view of Melchione et al. (US Pat. No. 5,966,695 hereinafter referred to as "Melchione").
36. **Claim 3:** Brodersen discloses transferring leads (col. 8; line 9) and assigning leads based on territories (col. 7; lines 22-25). Brodersen does not disclose transferring from one region to another.
37. Melchione, however, discloses "campaign load balancing" where leads are transferred from one branch to another (col. 35; lines 8-12) and "branch load balancing" where "new" leads versus "in progress" leads are indicated. (col. 34; lines 64-67).
38. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included transferring leads between territories, as disclosed by Melchione, in the system disclosed by Brodersen, for the motivation of redistributing leads "evenly to all branches based upon work loads" (Melchione; col. 35; lines 10-11).

39. **Note:** The step of “determining if the lead has been transferred from a first region to a second region, the second region being a current region in which the lead is being worked” is a non-functional step in that the assignment of the lead to a sales agent is performed regardless of the determination of the lead being transferred. No functional relationship between the lead being transferred and the auto-assignability determination is claimed that allows patentable weight to be given to the step of “determining if the lead has been transferred ...” Thus, this descriptive data will not distinguish the claimed invention from the prior art in terms of patentability, *see In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).
40. **Claim 18:** Brodersen discloses assigning leads to agents (col. 1; lines 46-55). Brodersen does not disclose determining whether telemarketing has priority over the lead.
41. Melchione, however, discloses “the list of leads is sent directly to the CCIS for telemarketing” (col. 7; lines 62-63) and by-passing the CCIS when a flag is present to guarantee that those flagged leads will be assigned directly to the personal banker for that customer. (col. 31; lines 13-18).
42. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included flagging leads to go to a sales agent in place of a call center, as disclosed by Melchione, in the system disclosed by Brodersen, for the motivation of benefiting the customer by dealing with only one personal banker. (Melchione; col. 31; lines 18-20).
43. **Claim 19:** Brodersen discloses a maximum workload threshold for individual candidates for task assignment (col. 3; lines 44-46). Brodersen does not disclose applying this threshold to call center as a criteria for assignment of leads. Melchione discloses balancing the workloads of different branches (col. 35; lines 5-12) where the CCIS is located (col. 8; lines 20-26: CCIS (telemarketing) operates from workstations located in the branches). This teaches that Melchione balances the workloads of the telemarketing facilities.
44. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included a balancing telemarketing facility workloads, as disclosed by Melchione, in the system disclosed by Brodersen, for the motivation of routing leads quickly and

seamlessly to the team who are responsible for follow-up such that potentially revenue generating opportunities are not missed. (Brodersen; col. 1; lines 46-55). Using a workload threshold is a means of controlling the expected response time to a task.

45. **Claims 5, 8, 9 and 28** are rejected under 35 U.S.C. 103(a) as being unpatentable over Brodersen et al. (US Pat. No. 6,850,895 hereinafter referred to as "Brodersen") in view of Schultze (US Pat. No. 7,047,206).
46. **Claim 5:** Brodersen discloses previously worked leads (col. 15; lines 52-56: employee is promoted and their task must be reassigned). Brodersen does not disclose *determining if a resurrection date of the lead has been reached*.
47. Schultze, however, discloses a method of "limiting the amount of time that a lead is available exclusively to the reseller." (col. 2; lines 46-47). Schultze further discloses determining "whether the processing time limit has expired" (col. 6; lines 40-43) and "a deadline" (col. 6; line 40). Schultze's system therefore teaches a resurrection date in the sense that the lead was made unavailable for a period of time while it was held exclusively by the reseller until a deadline (resurrection date) when the lead becomes available once again.
48. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included a resurrection date, as disclosed by Schultze, in the system disclosed by Brodersen, for the motivation of minimizing the "risk of reducing the company's good will because a lead is not properly or quickly contacted..." (Schultze; col. 1; lines 48-50).
49. **Note:** The step of "determining if a resurrection date of the lead has been reached" is a non-functional step in that the assignment of the lead to a sales agent is performed regardless of the determination of the resurrection date of the lead. No functional relationship between how the lead was generated and the auto-assignability determination is claimed that allows patentable weight to be given to the step of "determining if a resurrection date of the lead has been reached" Thus, this descriptive data will not distinguish the claimed invention from the prior art in terms of

patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

50. **Claim 8 and 28:** Brodersen discloses calculating agent scores based on criteria (col. 3; lines 14-16) including a maximum task workload (col. 3; lines 43-46). Brodersen does not disclose basing the score in part on leads converted to sales.
51. Schultze, however, discloses reports including, "the number of leads converted to sales, the number of leads in active use" (col. 8; line 65 – col. 9; line 1). Schultze further discloses that prior to assigning leads, the reseller is prescreened and may be denied additional leads if there are "too many outstanding selected and non-processed leads" (col. 5; lines 15-28)
52. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included tracking leads converted to sales, as disclosed by Schultze, in the system disclosed by Brodersen, for the motivation of providing the status and history of leads. (Schultze; col. 8; line 60-62).
53. Brodersen in view of Schultze does not teach that assigning leads is further based on converted leads.
54. However, is inherent that in calculating a revised workload, as tasks are completed, they do not continue to count in the current workload inventory. Therefore, "leads converted to sales" would no longer be counted against an agent for the purposes of assignment of a new task in a current workload.
55. **Note:** The step of "determining whether a leads credit balance associated with the agent is above a minimum value" is a non-functional step in that the assignment of the lead to a sales agent is performed regardless of the determination of the leads credit balance. No functional relationship between the leads credit balance and the auto-assignability determination is claimed that allows patentable weight to be given to the step of "determining whether a leads credit balance ...". Thus, this descriptive data will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

56. **Claim 9:** Brodersen discloses "Lead Quality" as a criterion in workload assignment. (col. 7; line 24). Brodersen further teaches the use of weightings (col. 7; lines 9-12). This disclosed combination of weighting and lead quality teaches a *premium associated with the leads varies between different leads*.
57. **Claims 12 and 29** are rejected under 35 U.S.C. 103(a) as being unpatentable over Brodersen et al. (US Pat. No. 6,850,895 hereinafter referred to as "Brodersen") in view of Schultze (US Pat. No. 7,047,206) in view of Hollister (US Pub. No. 2003/0229504).
58. **Claim 12:** Brodersen discloses ranking employees, positions, and sales territories to assign the most knowledgeable employees or positions to handle tasks. (col. 6; lines 27-30). Brodersen does not disclose a *conversion of leads to sales or the percentage of the agent's business that is generated by that particular agent*.
59. Schultze discloses reports including, "the number of leads converted to sales (col. 8; lines 65 – 68).
60. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included tracking leads converted to sales, as disclosed by Schultze, in the system disclosed by Brodersen, for the motivation of providing the status and history of leads. (Schultze; col. 8; line 60-62).
61. Hollister discloses that an agent gets all (therefore 100%) of the leads generated by that agent's efforts (such as by paying for advertisement) (para. [0023]).
62. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included the percentage of agent generated leads, as disclosed by Hollister in the system disclosed by Brodersen, for the motivation of providing a method of ensuring that the agent who generated the lead will work the lead (Hollister; para. [0024]).
63. **Claim 29:** Brodersen discloses

- *obtaining a lead, the lead including lead information relating to a person interested in effecting a purchase;* (col. 1; lines 56-58: "sales leads" and col. 3; lines 1-2 where the task is received as input)
 - *loading the lead into a lead processing portion;* (col. 3; lines 1-6: inputting the task and searching a database for rules and resources (i.e., an assignee for the task))
 - *determining if the lead is auto-assignable;* (col. 13; lines 3-9: the "auto-assign" function, when selected (providing the determination of auto-assignment) will assign an agent. Otherwise, a user can assign an agent manually from a pick list.)
 - *assigning the lead to a sales agent;* (col. 13; lines 3-9)
 - *outputting the lead information over the network environment to a lead distribution portion, so as to be accessible to the sales agent;* (col. 1; lines 52-55: the outputting is inherent in the ability of a sales rep to "effectively respond to potentially revenue-generating opportunities." Col. 8; lines 26: "server" provides the network environment)
64. Brodersen does not disclose *determining if the lead is an agent generated lead, the agent generated lead resulting from efforts by the sales agent.*
65. Hollister, however, discloses leads generated by an agent (para. [0023]).
66. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included agent generated leads, as disclosed by Hollister in the system disclosed by Brodersen, for the motivation of providing a method of ensuring that the agent who generated the lead will work the lead (Hollister; para. [0024]).
67. Brodersen discloses previously worked leads (col. 15; lines 52-56: employee is promoted and their task must be reassigned). Brodersen does not disclose *determining if a resurrection date of the lead has been reached.*
68. Schultze, however, discloses a method of "limiting the amount of time that a lead is available exclusively to the reseller." (col. 2: lines 46-47). Schultze further discloses determining "whether the processing time limit has expired" (col. 6; lines 40-43) and "a deadline" (col. 6; line 40). Schultze's system therefore teaches a resurrection date in the sense that the lead was made

unavailable for a period of time while it was held exclusively by the reseller until a deadline (resurrection date) when the lead becomes available once again.

69. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included a resurrection date, as disclosed by Schultze, in the system disclosed by Brodersen, for the motivation of minimizing the "risk of reducing the company's good will because a lead is not properly or quickly contacted..." (Schultze; col. 1; lines 48-50).
70. Brodersen discloses calculating agent scores based on criteria (col. 3; lines 14-16) including a maximum task workload (col. 3; lines 43-46). Brodersen does not disclose basing the score in part on leads converted to sales.
71. Schultze, however, discloses reports including, "the number of leads converted to sales, the number of leads in active use" (col. 8; line 65 – col. 9; line 1). Schultze further discloses that prior to assigning leads, the reseller is prescreened and may be denied additional leads if there are "too many outstanding selected and non-processed leads" (col. 5; lines 15-28)
72. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included tracking leads converted to sales, as disclosed by Schultze, in the system disclosed by Brodersen, for the motivation of providing the status and history of leads. (Schultze; col. 8; line 60-62).
73. Brodersen in view of Schultze does not teach that assigning leads is further based on converted leads.
74. However, is inherent that in calculating a revised workload, as tasks are completed, they do not continue to count in the current workload inventory. Therefore, "leads converted to sales" would no longer be counted against an agent for the purposes of assignment of a new task in a current workload.
75. **Note:** The various steps of "determining if the lead is an agent generated lead...if a resurrection date of the lead has been reached...whether the leads credit balance is above a minimum value..." are non-functional steps in that the assignment of the lead to a sales agent is performed regardless of the various determination steps. No functional relationships between these

determination steps and the auto-assignability determination are claimed that allows patentable weight to be given to the steps. Thus, this descriptive data will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

76. **Claims 20-22 and 24** are rejected under 35 U.S.C. 103(a) as being unpatentable over Brodersen et al. (US Pat. No. 6,850,895 hereinafter referred to as "Brodersen") in view of Melchione et al. (US Pat. No. 5,966,695 hereinafter referred to as "Melchione") in view of **Official Notice**.
77. **Claims 20 and 24:** Brodersen discloses *a first wave of leads and subsequent waves of leads* (col. 12; lines 2-13 where "Batch ID" (wave code) determines the wave based on the "Object ID" (lead). It is inherent that batches are assigned at different times, therefore producing *subsequent waves*.) Brodersen also discloses that the Assignment Manager may be scheduled to occur "any time an important attribute of a task is changed", (col. 8; lines 2-5) thus, assignments are based on task (i.e., lead) attributes (i.e., lead information). Because batches are comprised of tasks which are comprised of attributes, batches are thus comprised of the attributes. This is supported by Brodersen in the role the Assignment Manager plays in assigning tasks based on rules. (col. 7; lines 14-27).
78. Brodersen does not explicitly disclose assigning a priority based on the lead information or that the wave assignment is based on the lead information.
79. Melchione, however, discloses a lead management system where leads are organized and prioritized so that the best leads are worked first and the account officer assignments are honored so that leads are first directed to the personal backer or officer assigned to the relationship. (col. 32; lines 60-65). Further, "leads are then distributed to personal bankers based on preset priorities" (col. 33; lines 46-47).
80. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have included prioritizing the assignment of leads, as disclosed by Melchione, in the system of Brodersen for the motivation of efficiently assigning leads such that a lead is quickly and

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efficiently assigned and does not grow "cold", thus decreasing the likelihood of the lead being converted into a sale. By prioritizing the assignment, "the best leads are worked first" (Melchione; col. 32; lines 60-65).

81. The Examiner takes **Official Notice** that it is old and well known to assign a task to a group (wave) based on common attributes. This is an old and well known form of organizing tasks in a fashion that creates efficiencies and minimizes redundant efforts because the group can be processes as a single entity. Shopping lists grouped by store are well known examples such an organizational scheme.
82. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have included grouping by attribute, in the system of Brodersen because the system is merely a combination of old elements and in the combination, each element would merely have performed that same function (assign to a group and assignment to individuals based on attributes) as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.
83. **Claims 21 and 22:** Brodersen discloses *endorsed* leads (col. 5; lines 62- 67: "Assignments may be exclusive assignments, such as exclusive territories, or exclusive customer sets" (i.e., endorsement). The name of the customer and the designation of exclusive are understood to comprise an "endorsement".); and *A-leads* and *B-leads* as different categories of tasks (col. 8; lines 15-19: "all unassigned service requests" (A) and "all service requested assigned to a terminated employee" (B).) Brodersen further discloses assigning "all unassigned opportunities" (i.e., A leads) (col. 7; line 67) batches of tasks may be submitted for reassignment when an employee is promoted (i.e., a batch of B leads are reassigned).
84. **Claims 23 and 25** are rejected under 35 U.S.C. 103(a) as being unpatentable over Brodersen et al. (US Pat. No. 6,850,895 hereinafter referred to as "Brodersen") in view of Melchione et al. (US Pat. No. 5,966,695 hereinafter referred to as "Melchione") in view of **Official Notice** in further view of Schultze (US Pat. No. 7,047,206)

85. **Claims 23 and 25:** Brodersen/Melchione discloses the limitations of claims 20 and 22. Brodersen does not disclose *the age* of the lead.
86. Schultze, however, discloses many of the leads become cold by the time they are contacted.
87. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included considering the age of the lead during assignment, as disclosed by Schultze, in the system disclosed by Brodersen, for the motivation of reducing the number of leads that become cold by quickly matching sources of leads with salesmen who are interested in utilizing a lead. (Schultze; col. 2; lines 40-44).

Response to Arguments

1. Applicant's arguments, see pg. 13- 14 of the Remarks, filed January 31, 2008, with respect to the rejection(s) of claim(s) 20, 21, 22 and 24 under Brodersen et al. (US Pat. No. 6,850,895) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Brodersen et al. (US Pat. No. 6,850,895) in view of Melchione et al. (US Pat. No. 5,966,695) in view of **Official Notice**.
2. Melchione is introduced to teach the limitation regarding prioritizing the assignment of leads. Official Notice is taken to assert the old and well known concept of forming groups based on a common attribute. When in combination with Brodersen, who teaches lead assignment including assignment based on matching lead attribute information with business rules and further teaches assignment in batches (i.e., waves or groups) the limitations of claim 20 are disclosed such that leads are assigned in waves (the batches of Brodersen), a first wave followed by subsequent waves (the prioritizing concept of Melchione) and assigning leads to a wave based on lead information (Official Notice – grouping by common attribute).

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3. Applicant's arguments with respect to claims 1, 4, 7, 13 and 16 were considered, but are not persuasive. The Examiner has clarified the interpretations of the art in the detailed rejections above.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gabrielle McCormick whose telephone number is (571)270-1828. The examiner can normally be reached on Monday - Thursday (5:30 - 4:00 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on 571-272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/G. M./
Examiner, Art Unit 3629

/John G. Weiss/
Supervisory Patent Examiner, Art Unit 3629